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THURSDAY, MAY 25, 1978
PART VI

# DEPARTMENT OF TRANSPORTATION

## Coast Guard

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# Second Class Operator of Uninspected Towing Vessels

## Proposed Licensing Requirements

## DEPARTMENT OF TRANSPORTATION

### Coast Guard

[46 CFR Part 10]

[CGD 77-204]

### SECOND CLASS OPERATOR OF UNINSPECTED TOWING VESSELS

#### Proposed Licensing Requirements

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: The Coast Guard is proposing to amend the regulations governing licensing requirements for a second class operator of uninspected towing vessels. Present regulations do not provide for service on vessels other than towing vessels to be creditable toward qualifying for a license as second class operator. This proposed amendment will increase the availability of second class operators for towing vessels by providing for additional methods of meeting the experience requirements.

DATES: Comments must be received on or before: July 9, 1978.

ADDRESSES: Comments should be submitted to Commandant (G-CMC/81), (CGD 77-204), U.S. Coast Guard, Washington, D.C. 20590. Comments will be available for examination at the Marine Safety Council (G-CMC/81), Room 8117, Department of Transportation, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT:

Captain George K. Geiner, Marine Safety Council (G-CMC/81), Room 8117, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590, 202-426-1477.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rulemaking by submitting written views, data, or arguments. Each comment should include the name and address of the person submitting the comment, reference the docket number (CGD 77-204), identify the specific section of the proposal to which each comment applies, and include sufficient detail to indicate the basis on which each comment is made. All comments received before the expiration of the comment period will be considered before final action is taken on this proposal. No public hearing is planned but one may be held at a time and place to be set in a later notice in the FEDERAL REGISTER if requested in writing by an interested person raising a genuine issue and desiring to comment orally at a public hearing.

#### DRAFTING INFORMATION

The principal persons involved in drafting this proposal are: Lieutenant Commander James R. Norman, Project Manager, Office of Merchant Marine Safety, and Edward J. Gill, Jr., Project Attorney, Office of the Chief Counsel.

#### DISCUSSION OF THE PROPOSED REGULATIONS

The regulations in 46 CFR 10.16-23 do not provide for service on vessels other than towing vessels to be creditable toward qualifying an applicant for a license as second class operator of uninspected towing vessels. However, the applicant's overall service and training on all classes of vessels should be taken into consideration for at least part of the qualification requirements for a license as second class operator of uninspected towing vessels.

The proposed regulations will allow an applicant's overall service to be used for qualification if the applicant has obtained a level of qualification as "Able Seaman-Any Waters-Unlimited". This will permit an applicant who has experience on large ocean-going vessels to qualify for a license as Second Class Operator of Uninspected Towing Vessels based on less service on towing vessels than would be required if the applicant had no previous experience. In addition, a Coast Guard approved training course for towboat operator will be acceptable in lieu of part of the required service on towing vessels.

This proposal has been reviewed under the Department of Transportation's "Policies and Procedures for Simplification, Analysis, and Review of Regulations" (43 FR 9582, March 8, 1978). A draft evaluation of the propodal has been prepared, and has been included in the public docket.

In consideration of the foregoing, it is proposed that part 10 of Title 46 of the Code of Federal Regulations be amended as follows:

By revising § 10.16-23 to read:

**§ 10.16-23 Eligibility requirements: second-class operator.**

To be eligible for a license as second-class operator of uninspected towing vessels, a person must be at least 19 years of age, and—

(a) Have at least 18 months' service on deck on a towing vessel that includes—

(1) Training or duty in the wheelhouse; and

(2) Three months's service in each particular geographic area for which an endorsement is applied for; or

(b) While holding a merchant mariner's document endorsed as "Able Seaman-Any Waters-Unlimited" have at least five month's service on towing vessels that includes—

(1) Three month's service on deck in each particular geographic area for which an endorsement is applied for; and

(2) Either—

(i) Two months training or duty in the wheelhouse; or

(ii) One month training or duty in the wheelhouse, and successfully complete a towboat operator course of training approved by the Commandant under Subpart 10.30.

(Pub. L. 92-339, sec. 1, 86 Stat. 423 (46 U.S.C. 405(b); Sec. 6(b)(1), 80 Stat. 937 (49 U.S.C. 1655(b)(1)); 49 CFR 1.46(n)(3)).

NOTE.—The Coast Guard has determined that this socument does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended, and OMB Circular A-107.

Dated: May 17, 1978.

O. W. SILER,
*Admiral, U.S. Coast Guard Commandant.*

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